

FINAL STATEMENT OF REASONS

Duplication of statutes are included here and revised for clarity as these regulations are handed out to the public.

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 40-118.15

Specific Purpose:

These sections are being amended to add the phrase “California registered domestic partner of the SSI/SSP child’s parent” to the list of relatives who must be included in the filing unit of an SSI/SSP child.

Factual Basis:

This amendment is necessary to comply with the provisions of Assembly Bill 205 (Chapter 421, Statutes of 2003) and Family Code Section 297.5(a). Section 40-118.15 provides that California registered domestic partners shall have the same rights and responsibilities as those provided to spouses. For California Work Opportunity and Responsibility to Kids (CalWORKs) purposes this means that California registered domestic partners shall be treated as spouses or stepparents.

Section 40-118.16

Specific Purpose:

These sections are being amended to add the phrase “California registered domestic partner of the child’s parent” to the list of relatives who can be sanctioned by the GAIN program.

Factual Basis:

See the Factual Basis for Section 40-118.15.

Section 40-118.19

Specific Purpose:

These sections are being amended to add the term “California registered domestic partner” to the list of persons mandatorily included in the filing unit and who must be included on the Statement of Facts.

Factual Basis:

See the Factual Basis for Section 40-118.15.

Section 43-103.3

Specific Purpose:

This section is being amended to include, for purpose of support, the parent's "California registered domestic partner" in the definition of stepparent.

Factual Basis:

This amendment complies with the provisions of Family Code Section 297.5(d) by clarifying that a person shall have the same rights and responsibilities with respect to the child of their California Registered Domestic Partner as they would have to the child of their spouse.

Sections 43-103.6 through .62

Specific Purpose:

These sections are being adopted to define a California domestic partner as an individual who has a Declaration of Domestic Partnership registered with the Secretary of State, or a member of a substantially similar legal union of two persons of the same gender, other than a marriage, validly formed in another jurisdiction.

Factual Basis:

These sections are necessary to comply with the provisions of Family Code Sections 298.5 and 299.2. Section 298.5 specifies that persons wishing to become domestic partners shall file a Declaration of Domestic Partnership with the Secretary of State, who shall create a registry for Declarations of Domestic Partnership. Section 299.2 states that a substantially similar legal union, other than a marriage, validly formed in another jurisdiction, shall be recognized as a domestic partnership in California.

Sections 43-103.621 through .621(b)

Specific Purpose:

These sections are being adopted to specify that a legal union formed in another jurisdiction is substantially equivalent to a California registered domestic partnership when the members or former members of that union have the same rights and responsibilities as spouses or former spouses, and stepparents or former stepparents.

Factual Basis:

These sections are necessary to comply with Family Code Section 299.2 and to establish standards for determining whether a legal union formed in another jurisdiction is substantially equivalent to a California registered domestic partnership, for purposes of the CalWORKs program.

Final Modification

These sections are being removed from the regulations because they are already in statute.

Section 44-209.31

Specific Purpose:

These sections are amended to add the phrase “California registered domestic partner of the child’s parent” as an essential person for purposes of claiming federal participation.

Factual Basis:

See the Factual Basis for Section 40-118.15.

Sections 80-301(c)(1) through (c)(1)(A)

Specific Purpose:

These sections are being adopted to define a California domestic partner as an individual who has a Declaration of Domestic partnership registered with the Secretary of State, or a member of a substantially similar legal union of two persons of the same gender, other than a marriage, validly formed in another jurisdiction.

Factual Basis:

See the Factual Basis for Section 40-103.6.

Sections 80-301(c)(1)(B)(i) through (c)(1)(B)(i)(2)

Specific Purpose:

These sections are being adopted to specify that a legal union formed in another jurisdiction is substantially equivalent to a California registered domestic partnership when the members or former members of that union have the same rights and responsibilities as spouses or former spouses, and stepparents or former stepparents.

Factual Basis:

See the Factual Basis for Section 43-103.621.

Sections 80-301(c)(2) through (5) (renumbered)

Specific Purpose / Factual Basis:

These sections are being renumbered due to the adoption of new Section 80-301(c)(1) and have no regulatory impact.

Section 80-301(s)(9)

Specific Purpose:

These sections are being amended to add the phrase “or the California registered domestic partner” to the definition of a stepparent and other changes are made for clarity.

Factual Basis:

See the Factual Basis for Section 40-118.15.

Final Modification:

The phrase “Registered Domestic Partner” has been changed to lower case as this is not a title and does not require capitalization.

Section 82-808.112

Specific Purpose:

These sections are being amended to add to the definition for step-relative the parent’s “California registered domestic partner of a parent” as a caretaker relative to the CalWORKs filing unit.

Factual Basis:

This amendment complies with the provisions of Family Code Section 297.5(d) by clarifying that a person shall have the same rights and responsibilities with respect to the child of their California Registered Domestic Partner as they would have to the child of a spouse.

Final Modification:

The phrase “Registered Domestic Partner” has been changed to lower case as this is not a title and does not require capitalization.

Section 82-808.113

Specific Purpose:

These sections are being amended to clarify that California Registered Domestic Partners are considered spouses of relatives even after the partnership has ended by death or termination of the partnership.

Factual Basis:

This amendment complies with the provisions of Family Code Sections 297.5(a) through (d) by extending the same rights and responsibilities to California Registered Domestic Partners accorded to spouses or former spouses.

Final Modification:

The phrase “Registered Domestic Partner” has been changed to lower case as this is not a title and does not require capitalization.

Section 82-808.141

Specific Purpose:

These sections are being amended to add “declaration of California registered domestic partnership certificate” and “or termination of California registered domestic partnership” to the list of acceptable evidence necessary for verifying a caretaker relative relationship to a CalWORKs child.

Factual Basis:

This amendment is necessary to advise counties of the available documents providing evidence that a California domestic partnership exists or has terminated.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 205 (Chapter 421, Statutes of 2003)

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code or Article XIII B, Section 6 of the California Constitution, because implementation of the regulations will result in no costs or savings.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were heard at the Department's public hearing held on September 13, 2006. There was no oral or written testimony submitted as a result of the public hearing.

g) 15-Day Renotice Statement

A 15-day renotice was not required because only nonsubstantive changes were made after the public hearing.